

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ARIELLE FLETCHER,

*Plaintiff,*

v.

GATEWAY GROUP ONE, BENJAMIN OKOLI, STATE OF NEW JERSEY, COUNTY OF ESSEX, CITY OF NEWARK, CITY OF ELIZABETH, EMERSON RUSSELL MAINTENANCE COMPANY AVIATION, and PORT AUTHORITY OF NEW YORK AND NEW JERSEY,

*Defendants.*

Civil No.: 20-cv-3413 (KSH) (CLW)

**ORDER**

THIS MATTER having come before the Court on the motions of the City of Elizabeth (D.E. 12), Gateway Group One (D.E. 17), the City of Newark (D.E. 18), the County of Essex (D.E. 30), and the Port Authority of New York and New Jersey (D.E. 38); and the Court having considered the parties' submissions; and for the reasons set forth in the opinion filed herewith,

**IT IS**, on this 28th day of June, 2021,

**ORDERED** as follows:

1. The City of Elizabeth's motion for summary judgment (D.E. 12) is construed as a motion to dismiss under Fed. R. Civ. P. 12(b)(6) and is GRANTED. The amended complaint is dismissed with prejudice as to the City of Elizabeth.
2. Gateway's motion to dismiss (D.E. 17) is GRANTED IN PART and DENIED IN PART. Fletcher shall properly effectuate service of the summons and amended complaint on Gateway within **10 days** and promptly thereafter file proof of service, or

shall file within **10 days** a waiver of further service of process signed by Gateway. With respect to the issue of administrative exhaustion, the parties shall confer as to an approach for discovery on this issue and shall report to the Magistrate Judge, who may, in her discretion, set the parameters for such discovery and any related motion practice.

3. The City of Newark's motion to dismiss (D.E. 18) is GRANTED. The amended complaint is dismissed with prejudice as to the City of Newark.

4. The County of Essex's motion to dismiss (D.E. 30) is DENIED. The issue of administrative exhaustion shall be addressed as set forth in the opinion and in paragraph 2 above.

5. The Port Authority's motion to dismiss (D.E. 38) is GRANTED IN PART and DENIED IN PART. Within **21 days**, Fletcher may file a second amended complaint that addresses the deficiencies in her claims against Port Authority. The issue of administrative exhaustion shall be addressed as set forth in the opinion and in paragraph 2 above.

/s/ Katharine S. Hayden  
Katharine S. Hayden, U.S.D.J.